

# HOUSE BILL No. 1316

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-37-4-3.

**Synopsis:** Taking a child into custody. Requires a law enforcement agency to notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or the superintendent of the school district in which a child is enrolled if the child is taken into custody for allegedly committing an act that would be a felony or misdemeanor if committed by an adult. Provides that a school official may not suspend or expel a student based solely on certain information. Removes a restriction on law enforcement officers disclosing certain information.

**Effective:** July 1, 2009.

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**Lawson L, Hinkle**

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January 13, 2009, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1316

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 31-37-4-3, AS AMENDED BY P.L.3-2008, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be ~~any of the following crimes~~ **a misdemeanor or felony** if committed by an adult.

(1) ~~Murder (IC 35-42-1-1);~~

(2) ~~Attempted murder (IC 35-41-5-1);~~

(3) ~~Voluntary manslaughter (IC 35-42-1-3);~~

(4) ~~Involuntary manslaughter (IC 35-42-1-4);~~

(5) ~~Reckless homicide (IC 35-42-1-5);~~

(6) ~~Aggravated battery (IC 35-42-2-1.5);~~

(7) ~~Battery (IC 35-42-2-1);~~

(8) ~~Kidnapping (IC 35-42-3-2);~~

(9) ~~A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8;~~

(10) ~~Sexual misconduct with a minor (IC 35-42-4-9);~~

(11) ~~Incest (IC 35-46-1-3);~~



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(12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1);

(13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1);

(14) Carjacking (IC 35-42-5-2);

(15) Assisting a criminal as a Class E felony (IC 35-44-3-2);

(16) Escape (IC 35-44-3-5) as a Class B felony or Class E felony;

(17) Trafficking with an inmate as a Class E felony (IC 35-44-3-9);

(18) Causing death when operating a motor vehicle (IC 9-30-5-5);

(19) Criminal confinement (IC 35-42-3-3) as a Class B felony;

(20) Arson (IC 35-43-1-1) as a Class A or Class B felony;

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1);

(22) Terroristic mischief (IC 35-47-12-3) as a Class B felony;

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6);

(24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony;

(25) A controlled substances offense under IC 35-48;

(26) A criminal gang offense under IC 35-45-9;

(b) If a child is taken into custody under this chapter for a crime or allegedly committing an act listed in subsection (a), that would be a misdemeanor or felony if committed by an adult, the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

(1) that the child was taken into custody; and

(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(d) Except as provided in IC 20-33-8-15, a school official may not suspend or expel a student based solely on information obtained under this section that a student was arrested or taken into custody for allegedly committing an act that would be a misdemeanor or felony if committed by an adult.

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